1: Tew E-4 (no date) 1950 FT7 Yao FT7

office tended to become hereditary. Each councillor had his own village which he administered as a headman. A second set of officials were the court assessors, *mujongo*, who, unlike the councillors, were not in charge of villages of their own in addition to their court duties. Their office was not hereditary and they were chosen for their wisdom and their debating ability. They lived at the court of the chief and their main duty was to sift the evidence in the judicial cases which came before him.

The village headmen were expected to send elephant tusks to the chief (receiving small gifts in return), and to invite him to a yearly beer drink. Like the chief, the village headman governed through a council of the most important men in his village. They constituted a kind of village court over which he presided, and in the old days he could give capital sentence, or award a fine of as many as four slaves. Appeal from his decision lay to the court of the superior headman, or to the chief. Important cases would be reported direct to the chief. Most crimes would be settled by compensation. In cases of murder, several slaves were paid to the kin of the victim, and a fine for spilling blood to the chief. When compensation was handed over, the recipient always returned some part of it as sign that friendship was restored.[1]

Macdonald's further account of the treatment of crime shows how weak was the political organization, in spite of the apparent orderliness of the system of inferior and superior courts. A murderer caught red-handed might be killed at once. If captured alive he might be ransomed on payment of a fine of from four to twenty slaves, some of whom might be killed to accompany the dead. If the murderer escaped a relative of his would be captured and ransomed. This applied to murders occurring among parties friendly to one another and living in the same village. If the murderer was from another village, the injured village, if strong enough, would fall upon the other and kill and enslave the inhabitants. If not strong enough, the chief might be called in to help to annihilate the guilty village.[2]

Modern Administration

In the whole of Nyasaland there must be between thirty and forty Yao chiefs. In the districts of Liwonde, Fort Johnston, and Zomba, where 60 per cent. of the Yao population is concentrated (1931 boundaries), there are at least fifteen such chiefs. Not all those who have the rank of chief in the old Yao system are recognized as Native Authorities or even as Sub-Native Authorities by the Nyasaland Administration, and many Sub-Native Authorities would be full chiefs in the Yao system, and quite independent of the Native Authorities under whom they are placed.

Nowadays the chief has lost many of his former claims to status. He no longer has monopoly of the trade to the coast, for goods are brought in by Indian traders and bought by African tobacco growers or returned labour migrants. He can no longer use his slaves to increase his wealth by running slaving expeditions. His tribute of food and ivory has ceased, and he can no longer entertain lavishly, but he is still expected to give burial cloths and to make gifts to headmen on their succession to office. Some of his councillors have been made court assessors, and are paid for those duties, but others are expected to work for him unpaid. Some chiefs do reward councillors who retain their traditional status but are not officially recognized as assessors by the

[1] Macdonald, *Africa*, vol. i, pp. 136-8; Freeman, *q. supra*, p. 259.
[2] Macdonald, *op. cit.*, pp. 139-41.

2: Mitchell E-5 (1946-1949) 1956 FT7 Yao FT7

calico currency was an impossibility.'[1] The Africans could hardly have resumed the change over to a money economy. The taxation system introduced in 1893 was based on the Governor of Zululand's Proclamation III of 1887, and ruled that a tax defaulter was liable to be conscripted for labour until he had earned the amount of his tax. Coffee estates owned by Whites in the Highlands were at the same time in need of labour.[2] Tax was then taken in kind but it was soon changed to cash as a further inducement to Africans to come on to the labour market. The Africans were forced into the cash economy of the Protectorate even if they were unwilling. The measures were so successful that in 1899 the *Gazette* announced that the labour market in Blantyre was flooded.[3]

Modern Economic Structure

In modern Nyasaland, the wants of the Africans have become even more varied than they were in the earlier days. Most younger men wear European-type clothing and shoes. Many own bicycles and sewing machines. Many houses have glass windows and panelled doors and most of them are furnished with some rough furniture which has been bought from local craftsmen. Many have beds and mosquito nets. Few women cannot boast of enamel dishes to replace their clay pottery or china cups to replace drinking gourds. The food habits of the peoples too have broadened. Most households use sugar these days, and many people drink tea. I should say that all households occasionally buy soap. Certainly all need salt, which formerly was burnt from the saline grass around Lake Shirwa or dissolved out of special soils in Portuguese East Africa. The stock-lists of an Indian-owned village shop in Chiwalo's area and of an African-owned canteen in the same area, which I have set out in Appendix A, indicate the range of the wants of the modern African. It is clear that these wants are over and above food requirements. The people in these tribal areas live primarily on the

[1] *Report of the Consul and Acting Commissioner Sharpe on the Trade and General Condition of the British Central African Protectorate for April 1896 to March 1897.* C. 8258.

[2] See the *B.C.A. Gazette*, iii, 3 (March 1895), and iii, 17 (Sept. 15th, 1896), which print advertisements offering 'native labour arranged for and supplied to plantations at a commission of 7s. 6d. a head'.

[3] *B.C.A. Gazette*, vi, 6 (June 24th, 1899).

2: Mitchell E-5 (1946-1949) 1956 FT7 Yao FT7

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a. Free men are under their elder brother in the first instance, but they may carry their cases to the headman of their village or even to the chief of the country.

3. Slaves were entirely under their own master.[1]

The headmen's subservience to the chief is described in the following passage:

In all public transactions the headman represents his village. He receives the chief's orders and sees them carried out. When he kills an elephant he sends one of the tusks to the chief. Should he kill twenty elephants he is not expected to give up twenty tusks—two or three would be sufficient. If he shoots a large buck he gives one haunch of venison. For all such tributes he expects to receive in return a present (generally a little powder). . . . He is expected to attend the chief's parliaments unless he is under an elder brother in which case he is not allowed to speak, except when especially commissioned. Headmen are expected to report all cases of war, but they often attack enemies without telling their chief beforehand, saying, 'Let him hear of the enterprise when it succeeds.' Yet this is dangerous unless they are sure of success, and well acquainted with the chief's private sentiments. On reporting an attack they present the chief with part of the booty. In times of war each headman when summoned, must follow his chief's flag, otherwise his village is burned down, and all that fail to escape are killed or enslaved.[2]

[651] [646] [913] [721] [48]

175 578 622 643

Yet within the framework of this organization villages were markedly autonomous. MacDonald's description, which I have just quoted, brings this out very well. Elsewhere he writes: 'The chief may often have less influence than powerful headmen, and we have known cases where he simply consented himself with grumbling when his headmen acted contrary to his desire.'[3] The chief did not differ greatly from his more powerful headmen. A certain amount of ritual in terms of ancestor worship embellished his position, and he had some ascendancy over village headmen to whom he had given land. Yet, in the last analysis, the chief had to rely on his personal following and military power to subjugate headmen who were becoming too powerful. The chief was therefore in direct competition with his subject village headmen, and involved in a constant struggle with them for followers. MacDonald describes how the chief himself was a

[1] MacDonald, *Africana*, i. 133.
[2] MacDonald, *Africana*, i. 133. [3] MacDonald, *Africana*, i. 133.

2: Mitchell E-5 (1946-1949) 1956 FT7 Yao FT7

of the ancestors of the chief are supposed to affect the welfare of the initiands. Though some village headmen may conduct initiation ceremonies they are unable to offer rain-prayers. These are offered by a chief on two occasions. The first is in November, before the rains have started. The chief's wife and some women from the bigger villages in the near vicinity of the chief's village gather at his hut. They brew beer—*ukasa wutanka*, the beer of the spirits—to be used as a libation. At sunset on the appointed day the chief goes to the shrine tree where some headmen have gathered, and pours some of the beer into a pot, partly buried at the root of the tree, while he invokes all the spirits of his departed ancestors—mainly matrilineal but occasionally some patrilineal. He then entreats the spirits to send some rain and to look after their 'children' in the land. Sometimes a length of calico is hung on the tree as an extra offering. Should no rain fall the chief will have to repeat the offering until it does fall. When the rains have ended in March he makes a second offering 'of thanks'.

In the context of the present discussion, the important point is that it is only the chief who can make this libation and offer this prayer. If his plea fails the whole area starves, and no headman may supplicate his ancestors on his own behalf or approach the chief's ancestors through his own ancestors. The grain for the beer comes from the various villages, but not on a fixed rate of levy. Some villages never contribute. The chief buys the offered cloth on behalf of his people. When in 1948 the cloth on the shrine tree was stolen, Chiwalo imposed a levy on the village headmen in the area so that a new cloth could be bought. Here the boundaries of the chiefdoms are important, and no headman outside Chiwalo's area was approached. A village headman from Jalasi's area, though geographically much closer to Chiwalo, refers to Jalasi's rain-offerings and may not approach Chiwalo or plead with him to offer a rain-prayer to his ancestors.

Another ritual situation in which the limits of the chiefdom appear is during the institutionalized pillage on the death of a chief. I have not been in any area when the chief has died, so that I only have on the tales of informants. During the mourning rites certain feasts are held. The food for the mourning feast of a commoner or village headman is provided from his estate

2: Mitchell E-5 (1946-1949) 1956 FT7 Yao FT7

villages, however, the headman's activities may be as circumscribed by ritual prohibitions as the chief's are.

The village headman is subject not only to mystical dangers but also to other dangers deriving from his position of authority. It is significant that villagers never go to a diviner to find out the cause of a village headman's death. When I asked informants why this was so, they said, 'Well, what's the use of it? He has enemies on all sides in the village who are trying to kill him with their magic.' In harmony with this view of village headmanship, the symbolic object which represents the village headman in the diviners' gourds I have seen, is a small ring of grass (*singwe*), a copy of the grass cushion women place on their heads when they are carrying loads. This symbolizes the ring of enemies which surrounds the village headman. The saying 'the carrying defecates on the one who carries it',[1] usually applied to chiefdomship, applies equally well to a village headman.

A village headman may expect little material benefit from his position of authority. If he is an Administrative village headman he may be paid a small annuity of 5*s.* or 10*s.*[2] Returning labour migrants may give him a blanket or a military overcoat, or perhaps a few shillings, but this is not usual. If he is not a strict Moslem he will almost certainly be given a pot of beer from every brewing made for sale in the local 'club house'. On the other hand, if an important stranger, particularly a White official, arrives in the village he feels he must give his guest a chicken. It is massively to reciprocate with another gift, but not all Whites know this, or, if they do, do not observe it. In particular if the chief comes to his village, he will be expected to entertain him and here can expect no recompense—the chief 'eats from his country'.

The Yao know that the position of headman is no sinecure. Frequently the one chosen to succeed refuses to accept the position, especially if he is well placed in employment. It is significant that the word for an heir is *lingwe*[3]—the one who is trapped. An

[1] Nyau *jilimanjo nyuwe kwipele.*

[2] Until recently this was true. As I was leaving the field in 1949, I heard that the Administration had decided to abandon this system in favour of one in which only group headmen would be remunerated.

[3] Informative form of the passive of the verb *kuinga*—to set a trap or for animals. This word is not widely known, especially among the younger Yao.

[7.1428]

II. The Political Structure Before the Whites Came

(Subsonnie kabungulo), i.e. to surrender to the chief in the area. Also the chief sent out expeditions to capture slaves or he purchased slaves with the cloth and beads he had exchanged for ivory at the East coast.

Within his territory certain privileges and rights were held by the chief and he had certain religious duties to perform in which the unity of the people in the territory was expressed. In general the chief had rights over any ivory either found or hunted in his territory. If a dead elephant were found the tusks belonged to the chief, though he usually rewarded the finder with cloth. If a man killed an elephant the tusk that lay on the ground belonged to the chief while the other belonged to the killer. The killer's tusk was included in the chief's caravan to the coast and its value paid in cloth to the killer when the caravan returned.

The chief was also entitled to an annual tribute of food and beer from all villages in his area, but this was used to entertain visitors who came to the court-village.

The chief's religious duties lay mainly in propitiating the spirits of his ancestors on occasions when the community at large, in contrast to the chief's own, private affairs, was either threatened or directly affected. The most obvious occasion was immediately before the rains came when flour was poured on the tree shrine and the spirits of the ancestors asked for good rains. Later when the rains were over a similar sacrifice was made asking for a good harvest. Sacrifices to the ancestors were also made on two other public occasions. They were made when some calamity had occurred or was believed to be impending. A run of unsuccessful campaigns induced Chapwalapwalo, a son of the Tso chief Mpezeni some Fort Johnston, to ask his father's brother to make sacri-

643 does he monopolize the trade to the coast. To-
day the goods are brought in by Indian traders
645 and are bought for cash by the African tobacco
growers and the returned labour migrants.
648 He can no longer use his slaves to increase his
wealth by capturing yet other slaves. Nowadays
his salary is insufficient for his own requirements
and he can no longer make the gifts that he used
to, to the village headmen and councillors.
Councillors (i.e. the ~~elders~~ are necessarily offi-
cially recognized by the Administration) complain
that though they are not paid they nevertheless
have to do much of the work that the District
Commissioner expects the chief to do. The
chief himself is generally too poor to pay them
though some do in fact privately remunerate
certain of their unrecognized councillors. The
643 chief is still expected to give a burial cloth
649 when an important headman dies, and to make
651 a gift to a headman when he succeeds to a name,
but his tribute of food and ivory has ceased.
The people look upon the taxes they pay to the
Administration and the licences that are paid
to the chief's court as substitutes for the chief's
tribute. One informant explained that no longer
is it necessary to send a pot of beer to the chief
when beer is brewed, because nowadays a ciqwony
licence must be taken out from the court for each
brew for sale. He looked upon the licence (de-
signed by the Administration as a measure to
counter excessive brewing and paid into the Native
Treasury and not to the chief) as a modern sub-
stitute.

643 Nevertheless, it appears that the chiefs do
manage to live at a higher standard than most
of their subjects. They usually appear to be dressed
more finely and seem to have larger wardrobes.
Most have brick dwelling houses and rather more
furniture than the average commoner. Nearly
all have shot-guns and some have rifles. This
is largely possible because the salaries are regularly
paid even if they are low, and because many of
the former obligations have fallen away. No longer
do the chiefs entertain on so lavish a scale.